

**ARTICLE 20:76**  
**MASSAGE THERAPY**

Chapter

20:76:01 Applications.

20:76:02 ~~Licenses and fees.~~ Fees.

20:76:03 Continuing education requirements.

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**CHAPTER 20:76:02**  
**~~LICENSES AND FEES~~ FEES**

Section

20:76:02:01 ~~Licensure fee.~~ Remittance of fees.

20:76:02:02 ~~Renewal fee.~~ Fee schedule.

20:76:02:01. ~~Licensure fee~~ Remittance of fees. ~~The fee for a license is \$200.~~ Fees shall be remitted to the board in the form of a personal check, cashier's check, certified check, or money order made payable to the state of South Dakota. The board shall take no action on any application for licensure or renewal until the fee is received.

Source:

General Authority: SDCL ~~36-35-24(3)~~ 36-35-17, 36-35-24.

Law Implemented: SDCL ~~36-35-17~~ 36-35-24.

20:76:02:02. ~~Renewal fee~~ Fee schedule. ~~The renewal fee is \$200.~~ The fees under this Chapter are nonrefundable. The fee schedule is as follows:

- (1) License application fee, \$100;
- (2) License fee, \$65;
- (3) Annual license renewal fee, \$65;
- (4) Inactive license fee, \$65;
- (5) Late renewal fee, \$75;
- (6) Duplicate license fee, \$25.

Source:

General Authority: SDCL ~~36-35-24(2)~~ 36-35-16, 36-35-17, 36-35-18, 36-35-24.

Law Implemented: SDCL ~~36-35-19~~ 36-35-16, 36-35-17, 36-35-18, 36-35-24.

## **CHAPTER 20:76:03**

### **CONTINUING EDUCATION REQUIREMENTS**

Section

20:76:03:01 Definitions.

20:76:03:02 Requirements.

20:76:03:03 ~~Forms~~ Compliance.

20:76:03:04 Qualifying activities.

20:76:03:05 Record keeping.

20:76:03:06 ~~Audits~~ Repealed.

20:76:03:07 Compliance.

20:76:03:02. Requirements. A licensee must accumulate ~~16~~ eight contact hours of continuing education acceptable to the board every two years upon the licensee's renewal date. No more than ~~eight~~ four hours may be obtained by electronic delivery.

Source:

General Authority: SDCL 36-35-24(2).

Law Implemented: SDCL 36-35-19.

20:76:03:03. ~~Forms Compliance. A licensee applying for a license renewal~~ Upon license renewal, a licensee shall verify under the penalties of perjury that all contact hour information submitted in the form of copies of the certificates of completion ~~by the licensee~~ is true and correct. A licensee who submits a renewal form by use of the internet shall also agree that submission of the renewal form serves as the licensee's signature and verification of the information on the renewal form. The licensee must supply sufficient detail to permit audit verification if notified by the board of an audit.

Source:

General Authority: SDCL 36-35-24(2).

Law Implemented: SDCL 36-35-19.

20:76:03:05. Record keeping. The licensee shall maintain records to support credits claimed. These records must be maintained for two years after the date of renewal. ~~The board may request copies for audit verification purposes.~~ A licensee shall keep the following records:

(1) A ~~log~~ brochure or flyer showing the type of activity ~~claimed~~, sponsoring organization, location, duration, instructor's or speaker's name, and contact hours earned; and

(2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; ~~or.~~

~~(3) Records as maintained by professional associations or repositories.~~

Source:

General Authority: SDCL 36-35-24(2).

Law Implemented: SDCL 36-35-19.

~~20:76:03:06. Audits. The board may select a random number of forms to audit for compliance.~~

~~Each licensee selected for audit must respond with detailed information and documentation about the contact hours claimed. The board may also audit based on complaints or charges against a licensee.~~

~~Source: 33 SDR 50, effective September 21, 2006.~~

~~General Authority: SDCL 36-35-24(2).~~

~~Law Implemented: SDCL 36-35-19.~~

20:76:03:07. Compliance. ~~If the audit indicates a~~ Upon failure to comply with professional ~~development~~ continuing education requirements, the licensee has 90 calendar days after receipt of written notice to further reinforce the claim of contact hours or to acquire sufficient contact hours to meet the requirements. The board may take into consideration hardship or extenuating circumstances in allowing correction of deficiencies, but the deadline may not be extended more than one year.

Source:

General Authority: SDCL 36-35-24(2).

Law Implemented: SDCL 36-35-19.

CHAPTER 20:76:06

INACTIVE LICENSE

Section

20:76:06:01 Inactive License.

20:76:06:01 **Inactive License.** An inactive license may be issued upon payment of the applicable fee. It has no expiration date and can be reactivated by paying the current renewal fee and providing proof of at least eight hours of continuing education acceptable to the board in the two year period preceding the activation request.

Source:

General Authority: SDCL 35-36-18.1

Law Implemented: SDCL 35-36-18.1